

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25439 of 2002

Between:

- 1 R. Appa Rao S/o Chinnayya
watchman under the control of the District Manager, A.P., State
Housing Corporation Ltd., Srikakulam
- 2 P. Prasada Rao s/o Kanna Raju
Srikakulam
- 3 B. Koteswar Rao S/o narsaiah
Srikakulam
- 4 N. Ramachandra S/o Kurmayya
Srikakulam
- 5 M. Srinivasa Rao S/o Ratnam
Srikakulam
- 6 S. Ram Babu s/o Antha Rao
Srikakulam
- 7 Cheedi Srinivasa Rao s/o late Asiri Naidu
Srikakulam
- 8 P. Srinivasa Rao s/o Ram Murthy
working under the control of The District Manager (Housing)
A.P.S.H. C. Ltd., Vizianagaram
- 9 B. Srinivasa Rao S/o Sunder Rao,
Vizianagaram
- 10 R. Satyanarayana s/o Veera Raju
Vizianagaram
- 11 G. Appa Rao s/o Thatha
Vizianagaram
- 12 N. Ramulu s/o late Polesh
Vizianagaram
- 13 M. Adinarayana s/o poliraidu
Vizianagaram
- 14 M. Sambamurthy s/o Swamy naidu, Vizianagaram.
- 15 G. Vijaya Kumar s/o Sanjeeva Rao
Vizianagaram
- 16 M.P. Nagabhushana Rao s/o Bhaskara Rao

- Vizianagaram
- 17 T. Ramana Murthy s/o Satyanarayana
Vizianagaram
- 18 K. Appala Naidu s/o Simhachalam
Watchmen under the control of Dist. Manager, APSHC L.
Visakhapatnam
- 19 S. Konda s/o Konda
- 20 G. Devarayalu s/o Arlayya
- 21 M. Appala Naidu s/o Bosegu,
- 22 P. Durga prasad s/o Siddaiah
- 23 P. Rama Rao s/o Sanyasi
- 24 J. Babu Rao S/o Narsimha Rao
- 25 K. Naga Raju s/o Ramappa
watchmen Under the control of Dist. Manager(Housing)
Ananthapur
- 26 K. Narsimkhulu s/o Laxmaiah
- 27 K. Ramanjaneyulu s/o Laxmaiah
- 28 P. Ratnamaiah s/o P.V. Guravaiah
- 29 B. Ramanjaneyulu
- 30 B. Krishnaiah S/o Yadagiri
Watchmen unther the control of Dist. Manager (Housing) APSHCL,
Nalgonda
- 31 Syed Sarvar,
- 32 A. Chandramouli s/o Ramulu
- 33 Ch. Laxmaiah s/o Iddaiah
- 34 Sk. Chand Pasha s/o Babumiya
- 35 N. Satyanarayana S/o Esthri
- 36 P. Saidulu@ SaiDaiah s/o Balaiah
- 37 S. Sarvaiah s/o Oshaiah
- 38 B. papaiah s/o Adavaiah
Working as Watchmen under the control of the District Manager, APSHC Ltd.,
Hyderabad, Ranga Reddy District
- 39 G. Nagesh S/o Anthaiah
- 40 C. Mallaiah s/o balaiah
- 41 M. Narasimhulu Isvuaiah
- 42 A. Maraiah S/o Ushaiah
- 43 V. Narayana S/o Pochaiah
- 44 G. Manikya Rao S/o Girappa,
- 45 U. Narendra S/o Balram,
- 46 P. Laxmaiah s/o Jangaiah
working as Watchmen under the control of District Manager(H)
APSHCL, Mahabubnagar
- 47 Syed Naimuddin s/o Khader
- 48 G. Kashanna s/o Gatraidu
- 49 P. Laxminarayana S/o Narasiah,
working as Watchman unde the Control of District Manager(H)
APSECL., Warangal
- 50 R. Laxman s/o Chinnaiah
working in Nizamabad under control of District Manager(H)
APSHCL, Nizamabad
- 51 A. Naresh S/o Narasimhulu
- 52 S. Venkata Rao S/o Somanna
Working as Attenders Watchmen, under the control of

- District Manager(H) APSHCL, East Godavari District
- 53 V. Venkataramana S/o Appa RaoMallaiah
East Godavari District
- 54 J. Venkateswarlu
Working as Attenders Watchmen, under the control of
District Manager(H) APSHCL, Khammam
- 55 p. Sampath S/o Venkati
Khammam
- 56 Mohd. Iqbal s/o Afzal,
Khammam
- 57 T. biralu s/o Bikya
Working as Attenders Watchmen, under the control of
District Manager(H) APSHCL, Khammam
- 58 P. Gandhi s/o Kotaiah
Working as Attenders Watchmen, under the control of
District Manager(H) APSHCL, Khammam
- 59 G. Hanumanthu s/o Narsaiah
Khammam

..... PETITIONER

AND

- 1 The Principal Secretary, The Government of Andhra Pradesh, Housing dept.,
- 2 The Secretary, the Government of Andhra Pradesh, Finance & planning
- 3 The Managing Director, A.P State Housing Corporation Ltd.,
- 4 The District Collector (Housing) Srikakulam
- 5 The District Manager(H), A.P. State Housing Corporation Ltd.,
- 6 The District Collector (Housing) Vizianagaram
- 7 The District Manager A.P. State Housing corporation Ltd., Vizianagaram
- 8 The District Collector (Housing) Visakhapatnam
- 9 The District Manager, A.P. State Housing Corporation Ltd., Visakhapatnem
- 10 The District Collector (Housing) Anantapur
- 11 The District Manager, A.P. State Housing Corporation Ltd.,
- 12 The District Collector (Housing) Nalgonda
- 13 The District Manager, AP., State Housing Corporation Ltd.,
- 14 The District Collector (Housing Hyderabad, Ranga Reddy District
- 15 The District Manager, A.P. State Housing Corporation Ltd.,
- 16 The District Collector(Housing) Mahabubnagar
- 17 The District Manager, A.P., Housing Corporation Ltd.,
- 18 The District Collector (Housing) Warangal
- 19 The District Manager, AP. State Housing Corporation Ltd.,
- 20 The District Collector (Housing) Nizamabad
- 21 The District Manager, AP State Housing Corporation Ltd., Nizamabad
- 22 The District Collector (Housing) East Godavari District
- 23 The District Manager, AP State Housing corporation Ltd.,
- 24 The District Collector (Housing)Khammam
- 25 The District manager, AP State Housing Corporation Ltd., Khammam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more in the nature of Writ of Mandamus directing the respondents 1 to 3 herein to sanction godown watchmen posts to regularise the services of the petitioner by Setting aside the impugned Letter No. A8/(2)/3921/2002, dt 30-9-2002 of the 3rd respondent by holding that the godown watchmen post to be sanctioned for regularisation of the services of the petitioners and with a direction that they are entitled for regular scale of pay on par with similarly situated persons as per the 3rd respondent's Memo No. A1/4659/2001, dated 11-7-2001 with effect from 1-4-99 with all consequential arrears by holding that the action of the respondents in not sanctioning the godown watchmen posts and not allowing minimum regular scale of pay to the petitioners as illegal, arbitrary discriminatory, being violative of Art, 14, 16 and 21 of the constitution of India.

Counsel for the Petitioner :M/S CHINNA BABA,SRIKALA K

Counsel for the Respondents: G.P. for Housing

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 25439 of 2002

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ORDER:

This writ petition is filed seeking a writ of Mandamus directing the respondents 1 to 3 herein to sanction godown watchmen posts to regularise the services of the petitioner by setting aside the impugned Letter No. AS/(2)/3921/2000, dt 30-9-2002 of the 3rd respondent by holding that the godown watchmen post to be sanctioned for regularisation of the services of the petitioners and with a direction that they are entitled for regular scale of pay on par with similarly situated persons as per the 3rd respondent's Memo No. A1/4659/2001, dated 11-7-2001 with effect from 1-4-1999 with all consequential arrears by holding that the action of the respondents in not sanctioning the godown watchmen posts and not allowing minimum regular scale of pay to the petitioners as illegal and arbitrary.

Several contentions have been raised in this writ petition. A detailed counter affidavit has been filed by the 3rd respondent. Learned counsel for the petitioners brought to the notice of this court the proceedings of the 3rd respondent dated 15.3.2003 in Lr.No.A8(2)/1172/04 dated 15.3.2005 addressed to the Secretary to the Government wherein the 3rd respondent requested the Government that the services of the Godown watchmen are highly essential to look after the cement godowns. Further it is submitted that the approval of the Board is essential for submitting the proposal for submitting the proposal to the Government for sanction and regularization of Godown Watchmen posts. It is also brought to the notice of this court by the learned standing counsel for the 3rd respondent that the Board has already passed resolution requesting the Government for the creation of posts and it is for the 1st and 2nd respondents to take appropriate decision for creation of posts.

Having regard to the facts and circumstances, without entering into the merits of the case the writ petition is disposed of directing the 1st and 2nd respondents to take appropriate decision on the resolution passed by the 3rd respondent in accordance with law within a period of six months from the date of receipt of a copy of this order.

K.C. Bhanu, J.

Date: 22—06—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal Secretary, The Government of Andhra Pradesh, Housing dept.
 - 2 The Secretary, the Government of Andhra Pradesh, Finance & planning
 - 3 The Managing Director, A.P State Housing Corporation Ltd.,
 - 4 The District Collector (Housing) Srikakulam
 - 5 The District Manager(H), A.P. State Housing Corporation Ltd.,
 - 6 The District Collector (Housing) Vizianagaram
 - 7 The District Manager A.P. State Housing corporation Ltd., Vizianagaram
 - 8 The District Collector (Housing) Visakhapatnam
 - 9 The District Manager, A.P. State Housing Corporation Ltd., Visakhapatnem
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 - 21 The District Manager, AP State Housing Corporation Ltd., Nizamabad
 - 22 The District Collector (Housing) East Godavari District
 - 23 The District Manager, AP State Housing corporation Ltd.,
 - 24 The District Collector (Housing)Khammam
 - 25 The District manager, AP State Housing Corporation Ltd., Khammam
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26. Two C.Cs. to the G.P. for Housing, High Court Buildings, Hyderabad (OUT).
 27. Two C.D. copies.